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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,470	03/30/2004	Paul E. McKenney	BEA920030022US1	4792

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EXAMINER
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LEWIS, CHERYL RENE A

ART UNIT	PAPER NUMBER
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2167

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/813,470

Applicant(s)

MCKENNEY ET AL.

Examiner

Cheryl Lewis

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-14 is/are allowed.
- 6) ☒ Claim(s) 1,2,5,8 and 18-23 is/are rejected.
- 7) ☒ Claim(s) 3,4,6,7,9-11, and 15-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This office action is in response the applicants' amendment received on December 19, 2006.
2. Claims 1-23 are presented for examination.
3. The applicants have amended claims 1, 8, 12, 15, 18, 21, 22, and 23. The applicants have not cancelled or added any claims.
4. Applicants' arguments with respect to claims 1-23 have been considered but are deemed to be moot in view of the new grounds of rejection.

### ***Allowable Subject Matter***

5. Claims 12-14 are allowed.
6. Claims 3, 4, 6, 7, 9-11, 16, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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8. Claims 1, 8, 12, and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claims 1, 8, 12, and 15 recite 'data file resolve'. It appears that the data file in the claim limitations perform an action to "resolve" data and/or object(s). The claim limitations do not provide a clear, specific meaning to define what a "data file resolve" stands for.

According to Webster's dictionary, resolve is the act or condition to find an answer to a problem.

### ***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless — (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 2, 5, 8, and 18-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Giordano et al. (Patent No. 5,572,729 filed January 11, 1994, hereinafter Giordano).

11. Regarding Claims 1 and 22, Giordano teaches a method and associated system for stateless rename propagation between hierarchical file name spaces.

The method and associated system for stateless rename propagation between hierarchical file name spaces as taught or suggested by Giordano includes:

- renaming a data file (col. 4, lines 26-33. 'a file rename command', col. 4, lines 44-64) of a computer system (col. 4, lines 1-15)

- while permitting lock-free look-ups to the data file (col. 4, lines 19-43). Giordano accesses the FSNS of a remote file system and the FSNS of a local file system. A comparison of files is performed between the local file system and the remote file system. When a match is found between the files of the remote file system and the local file system, the file rename command is invoked, performing a renaming of a data file along with a copy operation, a creation operations, and a completion operation. At best, the renaming function performs the applicants' claimed lock-free look-ups.

Giordano does not teach locking a data file (lock-free). Also, Giordano teaches that the look-up of the data file is performed by an "access" to the data file.

- utilizing a temporary record to which look-ups (col. 2, lines 42-47) to the data file resolve while the data file is being renamed (col. 4, lines 26-33 and 44-64).

12. Regarding Claims 2 and 5, Giordano teaches atomically renaming the data file (col. 4, lines 26-33 and 44-64).

13. Regarding Claim 8, Giordano teaches atomically moving a data file from one location to another location (col. 4, lines 19-57) with a computer file system (col. 4, lines 1-15) while permitting lock-free look-ups to the data file (col. 4, lines 19-43) by utilizing a temporary record to which look-ups (col. 2, lines 42-47) to the data file resolve while the data file is being moved (col. 4, lines 19-57).

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14. Regarding Claims 18, 21, and 23, Giordano teaches a file system in which a plurality of files are stored (col. 4, lines 1-20); and at least one of atomically renaming (col. 4, lines 26-33 and 44-64) and atomically moving (col. 4, lines 19-57) from one location (col. 4, lines 19-57, 'REMOTE FSNS') to another (col. 4, lines 19-57, 'LOCAL FSNS') one of the files within the file system, permitting lock-free file look-ups (col. 4, lines 19-43).

15. Regarding Claim 19, Giordano teaches the system comprises a plurality of computing nodes over which the file system is implemented (col. 4, lines 1-20).

16. Regarding Claim 20, Giordano teaches the system comprises a single of computing node which the file system is implemented (col. 4, lines 1-20).

#### **NAME OF CONTACT**

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-4113. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

(571) 273-4113 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

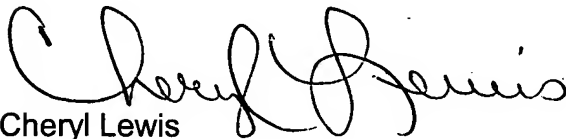
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cheryl Lewis  
Patent Examiner  
March 1, 2007